IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL No.1497 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 01-04-2004 in W.P. No. 6091 of 2004 on the file of the High Court.)

Between:

1. Md.Abdul Wahab, S/o. late Md.Abdul Sattar,
   R/o. H.No.22-6-1015, Eraneegally, Beside Sharan Hotel Lane,
   Near Pattargatty, Hyderabad.
2. Mr.Abdul Razak, S/o.late Md.Abdul Sattar,
   R/o. H.No.16-9-422/6, Near Water Tank, Old Malakpet,
   Hyderabad.

..... APPELLANTS

AND

The Revenue Divisional Officer & Land Acquisition Officer, Nalgonda, Nalgonda District.

.....RESPONDENT

Counsel for the Appellants :Mr.V.R.REDDY KOVVURI

Counsel for the Respondent: G.P. FOR REVENUE

The Court made the following :

ORAL JUDGMENT: (per the Hon'ble the Chief Justice)

The land in an extent of Ac.10.33 cents out of Ac.13.33 cents in Sy.No.533 situated in Gollaguda village, Nalgonda was acquired under the provisions of the Land Acquisition Act. It was made over to Sanjeevanagar Medical and Health Employees Co-operative Society Ltd., Nalgonda. The land belonged to Mohd.Abdul Sattar, father of petitioners-appellants, who was actually in possession of the land. Dispute is as regards amount of compensation.

There had been series of litigation and ultimately the petitioners-appellants had filed Writ Petition No.6091 of 2004 seeking a direction for payment of compensation which was dismissed by learned single Judge. Appeal is against the said order.

There is no manner of doubt that Writ Petition No.231 of 1981 was filed before this Court seeking to quash the proceedings under the Land Acquisition Act, which was dismissed, but Writ Appeal No.692 of 1982, against the said order was allowed by a Full Bench of this Court. Aggrieved by the said order, Sanjeevanagar Co-operative Society approached the Supreme Court in Civil Appeal No.5812 of 1983 and the order of this Court in Writ Appeal No.692 of 1982 was set aside. In the meanwhile, it appears that on award being passed, the Revenue Divisional Officer made reference to the civil Court in O.P.No.3 of 1981 under Section 30 of the Land Acquisition Act for re-determination of the compensation, and the same was closed as not pressed on the statement made by the father of the petitioners. The application filed by the petitioners-appellants in I.A.No.350 of 1999 in the said O.P. was dismissed by the Senior Civil Judge on the ground that the reference was not under Section 18 of the Act. The petitioners-appellants' Writ Petition No.25106 of 2002 challenging the said order was dismissed and Writ Appeal No.522 of 2003 was also dismissed.

Narration of the aforementioned facts would disclose that insofar as challenge to the acquisition and right to seek reference for further enhancement of the amount of compensation have come to an end. The only question that survives is entitlement to the amount of compensation.

The appellants are the sons of Mohd.Abdul Sattar, who owned the land. They had been representing for payment of amount of compensation. During the course of hearing of the writ appeal, learned Govt. Pleader for Land Acquisition has produced the relevant record and admits that the appellants are entitled to receive the amount of compensation. Therefore, there is no reason why the amount of compensation was not paid to the claimants.

Accordingly, we set aside the order of the learned single Judge and we direct the respondents to consider the petitioners-appellants' claim and pass appropriate orders for payment of the amount of compensation in accordance with law within a period of two months from the date of receipt of a copy of this order.

Writ Appeal stands allowed.

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(DEVINDER GUPTA, C.J.)

25th October 2004.

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(C.V.RAMULU, J.)

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To

1.The Revenue Divisional Officer & Land Acquisition Officer, Nalgonda, Nalgonda District.

2.Two CCs to the Govt. Pleader for Revenue, High Court Bldgs., Hyderabad (OUT).

3.Two C.D. copies.